

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**FIRST UNION RAIL CORPORATION,**

**Plaintiff,**

**v.**

**MAINE CENTRAL RAILROAD COMPANY,  
BOSTON AND MAINE CORPORATION,  
PORTLAND TERMINAL COMPANY, AND  
SPRINGFIELD TERMINAL RAILWAY COMPANY,**

**Defendants.**

FILED  
CLERK OF COURT

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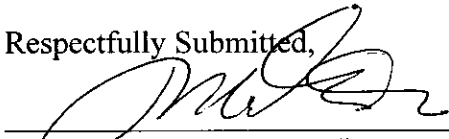
U.S. DISTRICT COURT  
**CIVIL ACTION NO. 03-12374-DPW**

**CERTIFICATION PURSUANT TO LOCAL RULE 16.1**

The undersigned certify and affirm that they have conferred with a view to:

1. Establishing a budget for the costs of conducting the full course – and various alternative courses of – the litigation; and
2. To consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Respectfully Submitted,

  
John D. Fitzpatrick, BBO# 550059  
FITZPATRICK & WARRENBRAND LLP  
One McKinley Square  
Boston, MA 02109  
(617) 720-2286

  
For First Union Rail Corporation

Dated: 1/12/04

Certificate of Service

I certify that on this date I served a true copy of the foregoing on Robert B. Culliford, Esq., Guilford Rail System, Law Department, Iron Horse Park, No. Billerica, MA 01862 by first class mail, postage prepaid.

Dated: 1/12/04